

1-1 By: Huberty (Senate Sponsor - Patrick) H.B. No. 1035  
1-2 (In the Senate - Received from the House April 18, 2013;  
1-3 April 24, 2013, read first time and referred to Committee on State  
1-4 Affairs; May 16, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1035 By: Fraser

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the filing of reports of political contributions and  
1-22 expenditures and of personal financial statements by certain  
1-23 officeholders and candidates.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 254.036, Election Code, is amended by  
1-26 adding Subsection (f) to read as follows:

1-27 (f) In prescribing the format of a report filed under this  
1-28 chapter with an authority other than the commission, the commission  
1-29 shall ensure that:

1-30 (1) a report may be filed:

1-31 (A) by first class United States mail or common  
1-32 or contract carrier;

1-33 (B) by personal delivery; or

1-34 (C) by electronic filing, if the authority with  
1-35 whom the report is required to be filed has adopted rules and  
1-36 procedures to provide for the electronic filing of the report and  
1-37 the report is filed in accordance with those rules and procedures;  
1-38 and

1-39 (2) an authority with whom a report is electronically  
1-40 filed issues an electronic receipt for the report to the person  
1-41 filing the report.

1-42 SECTION 2. Section 145.004, Local Government Code, is  
1-43 amended by amending Subsection (d) and adding Subsection (g) to  
1-44 read as follows:

1-45 (d) Except as provided in Subsection (g), the [The]  
1-46 timeliness of the filing is governed by Section 572.029, Government  
1-47 Code.

1-48 (g) A person is considered to have timely filed a financial  
1-49 statement under this chapter if:

1-50 (1) the statement is personally delivered not later  
1-51 than 5 p.m. of the last day for filing the statement; or

1-52 (2) the clerk or secretary of the municipality with  
1-53 whom the statement is required to be filed has adopted rules and  
1-54 procedures to provide for the electronic filing of the statement  
1-55 and the statement is electronically filed in accordance with those  
1-56 rules and procedures not later than midnight of the last day for  
1-57 filing the statement.

1-58 SECTION 3. Section 159.004, Local Government Code, is  
1-59 amended by amending Subsection (b) and adding Subsections (e) and  
1-60 (f) to read as follows:

2-1 (b) Except as provided in Subsection (e), the [The]  
2-2 timeliness of the filing is governed by Section 572.029, Government  
2-3 Code.

2-4 (e) A person is considered to have timely filed a financial  
2-5 statement under this subchapter if:

2-6 (1) the statement is personally delivered not later  
2-7 than 5 p.m. of the last day for filing the statement; or

2-8 (2) the county clerk with whom the statement is  
2-9 required to be filed has adopted rules and procedures to provide for  
2-10 the electronic filing of the statement and the statement is  
2-11 electronically filed in accordance with those rules and procedures  
2-12 not later than midnight of the last day for filing the statement.

2-13 (f) A county clerk may adopt rules and procedures under this  
2-14 section relating only to the manner in which a person must  
2-15 electronically file a financial statement and the required format  
2-16 of an electronically filed statement.

2-17 SECTION 4. Subchapter B, Chapter 159, Local Government  
2-18 Code, is amended by adding Section 159.0341 to read as follows:

2-19 Sec. 159.0341. TIMELINESS OF FILING. (a) A person is  
2-20 considered to have timely filed a report under this subchapter if:

2-21 (1) the report is filed in accordance with Section  
2-22 572.029, Government Code;

2-23 (2) the report is personally delivered not later than  
2-24 5 p.m. of the last day for filing the report; or

2-25 (3) the officer with whom the report is required to be  
2-26 filed has adopted rules and procedures to provide for the  
2-27 electronic filing of the report and the report is electronically  
2-28 filed in accordance with those rules and procedures not later than  
2-29 midnight of the last day for filing the report.

2-30 (b) An officer with whom a report is required to be filed  
2-31 under this subchapter may adopt rules and procedures under this  
2-32 section relating only to the manner in which a person must  
2-33 electronically file a report and the required format of an  
2-34 electronically filed report.

2-35 SECTION 5. Section 159.053, Local Government Code, is  
2-36 amended by amending Subsection (b) and adding Subsection (c) to  
2-37 read as follows:

2-38 (b) Except as provided in Subsection (c), the [The]  
2-39 timeliness of the filing is governed by Section 572.029, Government  
2-40 Code.

2-41 (c) A person is considered to have timely filed a financial  
2-42 statement under this subchapter if:

2-43 (1) the statement is personally delivered not later  
2-44 than 5 p.m. of the last day for filing the statement; or

2-45 (2) the county clerk with whom the statement is  
2-46 required to be filed has adopted rules and procedures to provide for  
2-47 the electronic filing of the statement and the statement is  
2-48 electronically filed in accordance with those rules and procedures  
2-49 not later than midnight of the last day for filing the statement.

2-50 SECTION 6. (a) Section 254.036, Election Code, as amended  
2-51 by this Act, applies only to a report required to be filed under  
2-52 Chapter 254, Election Code, that is due on or after January 1, 2014.  
2-53 A report required to be filed under Chapter 254, Election Code, that  
2-54 is due before January 1, 2014, is governed by the law in effect on  
2-55 the date the report is due, and the former law is continued in  
2-56 effect for that purpose.

2-57 (b) Section 145.004, Local Government Code, as amended by  
2-58 this Act, applies only to a financial statement required to be filed  
2-59 under Chapter 145, Local Government Code, that is due on or after  
2-60 January 1, 2014. A financial statement required to be filed under  
2-61 Chapter 145, Local Government Code, that is due before January 1,  
2-62 2014, is governed by the law in effect on the date the financial  
2-63 statement is due, and the former law is continued in effect for that  
2-64 purpose.

2-65 (c) The changes in law made by this Act to Chapter 159, Local  
2-66 Government Code, apply only to a financial statement or report  
2-67 required to be filed under that chapter that is due on or after  
2-68 January 1, 2014. A financial statement or report required to be  
2-69 filed under Chapter 159, Local Government Code, that is due before

3-1 January 1, 2014, is governed by the law in effect on the date the  
3-2 financial statement or report is due, and the former law is  
3-3 continued in effect for that purpose.

3-4 SECTION 7. This Act takes effect September 1, 2013.

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